

DOCKET NO: C01104/70015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kevin J. Dowling et al.  
Serial No: 09/805,368  
Confirmation No: 1552  
Filed: March 13, 2001  
For: LIGHT-EMITTING DIODE BASED PRODUCTS

Examiner: David Hung Vu  
Art Unit: 2828

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 21 day of March, 2005.

  
Jeanne W. Chub

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- ☒ Information Disclosure Statement, PTO Form 1449 and Cited References
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 395-7000.

A check for \$180.00 is enclosed. If the fee is insufficient, the Commissioner is hereby authorized to charge Deposit Account No. 50/2762. A duplicate of this sheet is enclosed.

Respectfully submitted,  
Kevin J. Dowling et al., Applicants

By: 

Joseph Teja, Jr., Reg. No. 45,157  
LOWRIE, LANDO & ANASTASI, LLP  
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One Main Street  
Cambridge, MA 02142  
(617) 395-7000

Date: March 21, 2005



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The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 29 day of March, 2005.

  
Jeanne W. Chub

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir/Madam:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicants request consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

**PART II: Information Cited**

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

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The Applicants also wish to bring to the attention of the Examiner the following information:

Pursuant to MPEP §2001.06(c), Applicants bring to the Examiner's attention that two U.S. patents relating to the present application have been involved in litigation. These patents include U.S. Patent No. 6,016,038 and U.S. Patent No. 6,150,774, assigned to Color Kinetics, Inc. The present application is entitled to the benefit of at least one of these two patents, under 35 U.S.C. §120.

The aforementioned patents both are involved in the litigation Case No. 02 CV 11137MEL in the United States District Court, District of Massachusetts.

Applicants acknowledge the duty to disclose to the U.S. Patent Office material information that may arise from these litigations, including evidence of possible prior public use or sales, questions of inventorship, prior art, allegations of "fraud," "inequitable conduct," and "violation of duty of disclosure," or any assertion which is contradictory to assertions made to the Examiner during prosecution of the present application.

To this end, Applicants wish to make of record in the present application the following document from the litigations, together with all exhibits filed therewith:

- Color Kinetics Incorporated v. Super Vision International, Inc., "Expert Witness Rebuttal Report of Dr. David I. Kennedy Prepared and Submitted on Behalf of Super Vision International, Inc."
- Color Kinetics Incorporated v. Super Vision International, Inc., "Super Vision International, Inc.'s Motion for Summary Judgment Against Color Kinetics, Inc."
- Color Kinetics Incorporated v. Super Vision International, Inc., "Color Kinetics' Memorandum in Support of its Motion for Summary Judgment on the Issue of Infringement"
- Color Kinetics Incorporated v. Super Vision International, Inc., "Color Kinetics' Memorandum in Support of its Motion for Summary Judgment on the Issue of Invalidity"
- Color Kinetics Incorporated v. Super Vision International, Inc., "Color Kinetics' Memorandum in Support of its Motion for Summary Judgment on Super Vision's 'Badmouthing' Claims"
- Color Kinetics Incorporated v. Super Vision International, Inc., "Color Kinetics' Memorandum in Support of its Motion for Summary Judgment on the Issue of Inequitable Conduct"

- Color Kinetics Incorporated v. Super Vision International, Inc., “Color Kinetics’ Opening Memorandum Concerning Claim Construction”
- Color Kinetics Incorporated v. Super Vision International, Inc., “Super Vision International, Inc.’s Response to Color Kinetics’ Motion for Summary Judgment on the Issue of Inequitable Conduct.”
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- Color Kinetics Incorporated v. Super Vision International, Inc., “Super Vision International, Inc.’s Response to Color Kinetics’ Opening Memorandum Concerning Claim Construction”

Applicants make no representation that the above-identified document(s) provide information material to the examination of the present application. Applicants make these documents of record in the present application primarily for completeness to facilitate the Examiner’s understanding of the nature of the litigation. The Examiner is urged to form his or her own conclusion regarding the relevance of the information contained in these documents.

### PART III: Additional Remarks

Documents cited on the attached form PTO-1449 (modified) are enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicants make no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicants, again the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

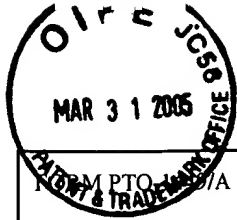
An early and favorable action is hereby requested.

Respectfully submitted,

By: 

Joseph Teja, Jr., Reg. No. 45,157  
LOWRIE, LANDO & ANASTASI, LLP  
Riverfront Office Park  
One Main Street  
Cambridge, Massachusetts 02142  
Telephone: 617-395-7000

March 29, 2005



INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 09/805,368		ATTY. DOCKET NO.: C01104/70015	
				FILING DATE: March 13, 2001			
				APPLICANT: Kevin J. Dowling			
				GROUP ART UNIT: 2828		EXAMINER: David Hung Vu	
Sheet	1	of	2				

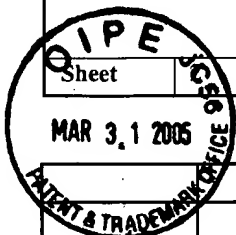
#### U.S. PATENT DOCUMENTS

Examiner's Initials#	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		1,603,055		R.G. Williams	10/12/1926
		2,591,650		R.G. Williams	04/01/1952
		2,642,553		R.G. Williams	06/16/1953
		2,644,912		R.G. Williams	07/07/1953
		2,651,743		R.G. Williams	09/08/1953
		2,657,338		R.G. Williams	10/27/1953
		2,686,866		R.G. Williams	08/17/1954
		2,673,923		R.G. Williams	03/30/1954
		3,037,110		R.G. Williams	05/29/1962
		4,470,044		Bell	09/04/1984
		5,519,496		Borgert et al.	05/21/1996
		5,577,832		Lodhie	11/26/1996
		6,023,255		Bell	02/08/2000
		6,787,999	B2	Stimac et al.	09/07/2004

#### FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
		GB	238,327			08/20/1925	
		GB	238,997			09/03/1925	
		GB	271,212			05/26/1927	
		GB	296,884			09/13/1928	
		GB	296,885			09/13/1928	
		GB	325,218			02/12/1930	
		GB	368,113			03/03/1932	
		GB	376,744			07/11/1932	
		GB	411,868			06/14/1934	
		GB	412,217			06/21/1934	
		GB	438,884			11/25/1935	
		GB	441,461			01/13/1936	
		GB	480,126			02/17/1938	
		GB	481,167			03/07/1938	
		GB	640,693			09/25/1950	
		GB	646,642			11/29/1950	
		GB	661,083			11/14/1951	
		GB	685,209			12/31/1952	

FORM PTO-1449/A and B (Modified)		APPLICATION NO.: 09/805,368	ATTY. DOCKET NO.: C01104/70015
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		FILING DATE: March 13, 2001	
		APPLICANT: Kevin J. Dowling	
		GROUP ART UNIT: 2828	EXAMINER: David Hung Vu
Sheet	of 2		



	GB	686,746		0/28/1953	
	GB	712,050		07/14/1954	
	GB	718,535		11/17/1954	
	GB	942,630		11/27/1963	
	JP	2-269939		11/05/1990	Y

#### OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials#	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
		United States District Court District of Massachusetts, Case No. 02 CV 11137 MEL, Color Kinetics Incorporated v. Super Vision International, Inc., "Expert Witness Rebuttal Report of Dr. David I. Kennedy Prepared and Submitted on Behalf of Super Vision International, Inc."	
		United States District Court District of Massachusetts, Case No. 02 CV 11137 MEL, Color Kinetics Incorporated v. Super Vision International, Inc., "Super Vision International, Inc.'s Motion for Summary Judgment Against Color Kinetics, Inc."	
		United States District Court District of Massachusetts, Case No. 02 CV 11137 MEL, Color Kinetics Incorporated v. Super Vision International, Inc., "Color Kinetics' Memorandum in Support of its Motion for Summary Judgment on the Issue of Infringement"	
		United States District Court District of Massachusetts, Case No. 02 CV 11137 MEL, Color Kinetics Incorporated v. Super Vision International, Inc., "Color Kinetics' Memorandum in Support of its Motion for Summary Judgment on the Issue of Invalidity"	
		United States District Court District of Massachusetts, Case No. 02 CV 11137 MEL, Color Kinetics Incorporated v. Super Vision International, Inc., "Color Kinetics' Memorandum in Support of its Motion for Summary Judgment on Super Vision's 'Badmouthing' Claims"	
		United States District Court District of Massachusetts, Case No. 02 CV 11137 MEL, Color Kinetics Incorporated v. Super Vision International, Inc., "Color Kinetics' Memorandum in Support of its Motion for Summary Judgment on the Issue of Inequitable Conduct"	
		United States District Court District of Massachusetts, Case No. 02 CV 11137 MEL, Color Kinetics Incorporated v. Super Vision International, Inc., "Color Kinetics' Opening Memorandum Concerning Claim Construction"	
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EXAMINER		DATE CONSIDERED	

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.